



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/065,001	09/09/2002	Gregory Eskridge	202704232002	5721
26496 7590 09/05/2007 GREENBERG & LIEBERMAN, LLC 2141 WISCONSIN AVE, N.W. SUITE C-2 WASHINGTON, DC 20007			EXAMINER TRIEU, VAN THANH	
			ART UNIT 2612	PAPER NUMBER
			MAIL DATE 09/05/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/065,001

Applicant(s)

ESKRIDGE, GREGORY

Examiner

Van T Trieu

Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 11 January 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-14 and 16-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 16-18 is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☒ Claim(s) 10-14 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## **DETAILED ACTION**

### **Claim Rejections - 35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Price R-W, et al** [US 6,052,068] in view of **Sabate et al** [US 6,861,959] and **Siegel** [US 6,958,707]

Regarding claim 1, the claimed radio frequency tag (the RF tags 16, see Figs. 1 and 4, col. 3, lines 14-23); and the tag reader (the interrogator 12 includes input/output 30, the encrypting circuit 33, the decrypting 42 and processor 31 are adapted to translate information received from the RF tags 16 from antenna 44 to a display unit, see Fig. 1 and 4, col. 4, lines 34-36, col. 5, lines 19-67 and col. 6, lines 1-50); but **Price R-W et al** fails to disclose the RFID is passive. However, **Price R-W et al** teaches that the RFID tag VIT 16 is powered by a rechargeable battery 82 or other power supply, see Fig. 4, col. 9, lines 21-40. **Sabate et al** suggests that AVI and/or RFID tags are mounted on the vehicles of the users. When the vehicle user with AVI/RFID tag passes the antenna, a communication is setup between the two for identifying the user, vehicle identification, debit the pertinent fee. The standards for AVI/RFID tags existed three main categories: Type I is passive tag, Type II is active tag and Type III is active

Art Unit: 2612

transponder circuit, see Fig. 1f, col. 6, lines 1-19 and col. 9, lines 33-55. Therefore, it would have been obvious to one skill in the art at the time the invention was made to substitute the Type I passive RFID tag of **Sabate et al** for the RFID tag of **Price R-W et al** for reducing size of the RFID tag and to minimize its weight since the passive and active RFID tags are available in the market and well known in the communications industry. **Price R-W et al** fails to disclose the antenna to receive information from 360 degrees from all close vehicles, from the RF tag that is capable of interrogation at speeds in excess of 75 mph. However, **Price R-W et al** teaches that the antenna 44 of the interrogator 12 receives signal information from one or more RF tags 16 when the vehicles with RFID tag passing the antenna 44 at a frequency of 850 MHz and a relative low speed of 15 mph, see Figs. 1 and 3, col. 2, lines 21-29, col. 3, lines 19-50, col. 5, lines 36-67, col. 6, lines 5-32, col. 7, lines 60-67 and col. 8, lines 1-14. Therefore, it would have been obvious to one skill in the art to recognize that it is a design choice to select the transmission frequencies over the 10 GHz, which will accomplish interrogation signals between the RFID tag and interrogation antenna within a very quick time interval/period as when the vehicle passing the antenna greater than 75 mph (which can be set by local speeding limit), such selecting transmission frequencies for transmitting a high-speed data signals are well known in the wireless communications technologies. **Siegel** suggests that RFID alert signals 104 are transmitted in the direction that emergency vehicles 102 are traveling. Transmitting alert signals 104 in a full 360 degrees circle, causes alert receiver system 200 with antenna 204 of each vehicles 114 from any direction in the vicinity to continue detecting alert signals 104 until

Art Unit: 2612

emergency vehicles 102 have traveled a distance where alert signals 104 are too weak to be detected, see Figs. 1A-D, 2A and 2B, col. 9, lines 54-59 and col. 11, lines 15-24.

Therefore, an artisan would substitute the full 360 degrees transmitting and receiving signals of **Siegel** for the interrogation receiver of **Price R-W et al** since most radio frequency or electromagnetic transmitting/receiving signals are radiated in full 360 degrees for receiving by any receivers at any location position surrounding the radiated signals, such as vehicles surrounding the intersections or street lights that all can be alerted to prevent of accident.

Regarding claim 2, the claimed tag registration (the RF tag 16 is attached to vehicle license plate 28 of a vehicle and contains vehicle registration information, see Fig. 4, col. 4, lines 45-58).

Regarding claim 3, the claimed data chip (RF tag 16 includes a processor 64 and a memory 66 for storing information data, see Fig. 4, col. 8, lines 15-57).

Regarding claim 4, all the claimed subject matters are discussed between **Price R-W et al** and **Sabate et al** in respect to claims 1-3 above, wherein the Type I passive RFID tag is design to read only tag that contained vehicle and driver data information.

Art Unit: 2612

Regarding claim 5, all the claimed subject matters are cited in respect to claim 4 above, wherein the interrogator 12 having an antenna 44 can be attached to a fixed location, see Fig. 2, col. 4, lines 38-41.

Regarding claim 6, all the claimed subject matters are cited in respect to claim 5 above, wherein the interrogator 12 is installed in a police car 25, see Fig. 2, col. 4, lines 38-40.

Regarding claim 7, **Price R-W et al** fails to disclose the tag reader is further connected to a laptop system in the patrol vehicle. However, **Price R-W et al** teaches that the interrogator 12 can cross link the data in the vehicle identify tag 16 to an external database 22, which may reside in a computer hardwire to the interrogator/reader 12 or in a remote location using a GPS communication link 24 for inputting, retrieving, updating and comparing data information of tracked vehicle having RF tag 16, see Figs. 1-3 and 6-8, col. 2, lines 6-20. Therefore, it would have been obvious to one of ordinary skill in the art to recognize that the computer hardwire to the interrogator/reader 12 is preferably a laptop computer because the laptop computer is portable computer, which is small and easily moving between the police vehicles and to the police station or other enforcement office.

Regarding claim 8, all the claimed subject matters are discussed in respect to claim 7 above.

Art Unit: 2612

Regarding claim 9, all the claimed subject matters are discussed in respect to claim 8 above.

### ***Response to Arguments***

2. Applicant's arguments filed on 11 January 2007 have been fully considered but they are not persuasive. Because,

#### **Applicant's arguments:**

(A) The amended independent claims with antenna to receive information from 360 degrees from all close vehicles.

#### **Response to the arguments:**

(A) It is obvious to combine Siegel with Price R-W et al since the wireless RF transmitting/receiving and/or RFID technologies are common to radiate 360 degrees so that all the surrounding receivers can receive the radiated signals, specially using at the road intersections and/or street lights, wherein all surrounding vehicles can detect/receive the radiated signals.

### ***Conclusion***

3. Claims 1-14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

4. Claims 16-18 are allowable over the prior arts.

Art Unit: 2612

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from examiner should be directed to primary examiner **Van Trieu** whose telephone number is (571) 272-2972. The examiner can normally be reached on Mon-Fri from 7:00 AM to 3:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Mr. Daniel Wu** can be reached on (571) 272-2964.



**Van Trieu**  
**Primary Examiner**  
**Date: 8/24/07**